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 6 *Counterclaimant Soilworks, LLC*

7 **UNITED STATES DISTRICT COURT**
 8 **IN AND FOR THE DISTRICT OF ARIZONA**

9 SOILWORKS, LLC, an Arizona
 10 corporation,

11 Plaintiff / Counterdefendant /
 12 Counterclaimant,

13 v.

14 MIDWEST INDUSTRIAL SUPPLY, INC.,
 an Ohio corporation authorized to do
 business in Arizona,

15 Defendant / Counterclaimant /
 16 Counterdefendant.

NO.: 2:06-CV-2141-DGC

**SOILWORKS, LLC’S RESPONSE TO
 MIDWEST INDUSTRIAL SUPPLY,
 INC.’S MOTION *IN LIMINE* (DOC.
 #105) TO BAR EVIDENCE
 REGARDING ANY LEGAL ADVICE
 SOILWORKS, LLC MAY HAVE
 RECEIVED CONCERNING
 MIDWEST’S PATENTS**

(Before the Honorable David G. Campbell)

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 18 In response to Midwest’s Motion *in Limine* with respect to legal advice Soilworks,
 19 LLC may have received regarding Midwest’s patents (“Motion”), Soilworks gave full and
 20 complete answers to the written discovery propounded upon it by Midwest during the
 21 discovery process. Soilworks has never claimed that it relied on advice of counsel, or that
 22 any documents exist regarding such advice with respect to Midwest’s patents.

23 For the foregoing reasons, Soilworks, LLC respectfully requests that the Court deny
 24 Midwest’s Motion *in Limine* to Bar Evidence Regarding Any Legal Advice Soilworks, LLC
 25 May Have Received Concerning Midwest’s Patents.

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Dated this 24th day of September, 2008.

KUTAK ROCK LLP

By /s E. Scott Dosek
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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2008, the foregoing **SOILWORKS, LLC’S RESPONSE TO MIDWEST’S MOTION *IN LIMINE* TO BAR EVIDENCE REGARDING ANY LEGAL ADVICE SOILWORKS, LLC MAY HAVE RECEIVED CONCERNING MIDWEST’S PATENTS** was filed electronically. Notice of this filing will be sent to all parties by operations of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

/s Amy S. Fletcher
Amy S. Fletcher